

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)
)
Plaintiff,) **ORDER FOR DEFENDANT'S TEMPORARY
 RELEASE**
vs.)
)
Robert Manuel Martell,) Case No. 1:13-cr-018
)
Defendant.)

On January 9, 2014, the defendant, Robert Manuel Martell, entered pleas of guilty to the following offenses: conspiracy to possess with intent distribute and distribute a controlled substance (Count I); and distribution of a controlled substance (Count III). He is being held in federal custody at the Lake Region Correctional Center in Devils Lake, North Dakota, pending a sentencing hearing scheduled for April 21, 2014.

On February 25, 2014, defendant filed a motion requesting that he be released to the custody of Danielle Beckley for a period of up seven days so that he can make arrangements for his 18 month old child. The child's mother, Miranda Scherr, died on February 15, 2014, of injuries sustained in an automobile accident. The child is presently in the custody of Scherr's great aunt. The court has been advised that the Government has no objection to defendant's motion. Accordingly, the court **GRANTS** plaintiffs' motion (Docket No. 148).

Defendant shall be released to the third-party custody of Danielle Beckley until he finalizes arrangements for his child or until March 4, 2014, whichever comes first. While on release defendant shall comply with the following conditions:

- (1) Defendant shall immediately contact Pretrial Services Officer Tim Howard at the following number upon his release: (701) 530-2314. Thereafter defendant shall

report to the Pretrial Services Office at such times and in such manner as designated by the Officer Howard.

- (2) Except upon prior approval from the Pretrial Services Officer, the defendant's travel is restricted to the States of North Dakota and South Dakota.
- (3) Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
- (4) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (5) Defendant shall reside at Ms. Beckley's home in Carrington, North Dakota, and not change this residence without prior approval of the Pretrial Services Officer.
- (6) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.

Defendant shall return to the Lake Region Correctional Center no later than March 4, 2014. Upon his return to the Lake Region Correctional Center, he shall be remanded back into the custody of the Attorney General pending sentencing.

IT IS SO ORDERED.

Dated this 26th day February 26, 2014.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court